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10/799,378	03/12/2004	William Chenevich	055555-0233	7289
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EXAMINER				
TIMBLIN, ROBERT M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,378

Applicant(s)

CHENEVICH ET AL.

Examiner

ROBERT TIMBLIN

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/23/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-12, and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-12 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

This Office Action corresponds to application 10/799,378 filed 3/12/2004.

Response to Amendment

In the reply filed 1/23/2009, claims 4, 5, and 13 have been cancelled while claims 1 and 10 have been amended. Presently, claims 1-3, 6-12, and 14 are pending in this Office Action.

Claim Objections

Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for depending upon a cancelled parent claim. Claim 6 is further objected to because “pre-established criteria” is without antecedent basis.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fallon (U.S. Patent Application 2002/0111946) in view of Shutt (U.S. Patent 7,146,367) and further in view of Kumar et al ('Kumar' hereafter) (U.S. Patent 6,859,212).

With respect to claim 1, Fallon teaches A method of storing, storing, and organizing financial information electronically, the method comprising:

establishing a communication session (0165, 0172) between a first system (16) and a second system (10);

communicating information (0031; e.g. “The user can change, augment, or update the personal legacy plan at any time simply by accessing the Web site, entering identifying information, and accessing the stored information) associated with a financial document (0033, 0081, and 0682) from the second system (10) to the first system (16) the financial document (0033, 0081, and 0682) associated with a first account (Figures 3-1 and 8-2);

providing an online environment (0028, 0031) by the second system (16) configured to allow a customer user (0028; i.e. the term “user”) at the first system (16) to create a folder¹ in the online environment (0028, 0031) hosted at the second system (16 the folder being one of a plurality of folders (fig. 3-1; e.g. ‘Personal’, ‘Legal’, ‘Medical’, and ‘Financial’ folders) associated with the first account (Figures 3-1 and 8-2); and

to automatically and without human intervention (0013) associate the financial document (0013, 0033; e.g. “however, only the user can move the information and/or documents into the user’s storage space) with the created folder so that the financial document (0033, 0081, and 0682) is included in the created folder in the online environment (0028, 0031) hosted at the second system (16) wherein the online environment (0028, 0031) displays the financial document (0033, 0081, and 0682) in the created folder (figures 4-7; i.e. documents are shown in their corresponding folders).

Fallon does not appear to teach creating a folder in the online environment so that the financial document can be included and displayed in the created folder.

Shutt, however, teaches creating a folder (drawing reference 107) in an online environment (figure 13).

In the same field of endeavor, (i.e. financial folder management), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Shutt would have given Fallon the ability for a user to create folders in which to place documents for the benefit of having a customizable folder tailored to a user. Ultimately, a user of Fallon would benefit from at least this teaching when they are provided with more organizational approaches (need shown by Fallon, en of 0013) to organize a wider variety of information items (needed by Fallon, 0009).

Fallon and Shutt do not appear to expressly recite receiving user selected filing preferences and associating the financial document with the created folder based on the received user selected filing preferences.

Kumar, however, teaches receiving user selected filing preferences (col. 39 line 14-15) at the second system from the first system and associating the financial document with the created folder based on the received user selected filing preferences (col. 39 line 8-17 and figures 18-20) for automatically categorizing financial information (i.e. transactions).

In the same field of endeavor, (i.e. information organization), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Kumar would have given Fallon and Shutt a way to

¹ Creating a folder as taught by Shutt

allow a user to specify where certain data should automatically be categorized (i.e. placed in a folder) for the benefit reducing the amount of time and effort needed to complete information gathering and organizing (needed by Fallon, 0165).

With respect to claim 2, Fallon teaches the method of claim 1, wherein the financial document includes credit card payments, debit card transactions, imaged checks, electronic bill payments or account statements (claim 18, figure 6).

With respect to claim 3, Fallon teaches the method of claim 1, wherein associating the financial document with the created folder is performed based on instructions from the customer user when the financial document is viewed (0012).

With respect to claim 6, Fallon teaches the method of claim 5, wherein the pre-established criteria includes merchant categories (figure 6).

With respect to claim 7, Fallon teaches the method of claim 1, wherein the online environment is further configured to allow the customer user at the first system to retrieve documents based on a document storage time stamp, date last accessed, date posted, dollar amount, group, or category (figures 4-6).

With respect to claim 8, Fallon teaches the method of claim 1, further comprising communicating financial information from a third system to the first system corresponding to the

first account, wherein the third system and the second system contain separate and distinct accounts associated with the customer user (0012).

With respect to claim 9, Fallon teaches the method of claim 1, further comprising providing each of the plurality of folders with a public or private indication, the folders indicated as public being accessible by persons having a shared key (public key – 0168) given them by the customer user (0032).

Claims 10-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fallon (U.S. Patent Application 2002/0111946 A1) in view of Kumar et al. ('Kumar' hereafter) (U.S. Patent 6,859,212).

With respect to claim 10, Fallon teaches A system for storing, creating, and organizing financial information associated electronically, the system comprising:

a host computer (12) coupled to a network (fig. 1) and running programmed instructions to provide an on-line environment (0028, 0031) for a customer user (0028; i.e. the term "user") at a customer user computer (16) connectable to the network (fig. 1) to organize, send, search, create, and save financial information (0033, 0081, and 0682) using a hierarchy of folders (0169) defined by the customer user (0028 and 0033; i.e. the term "user") in the online environment (0028, 0031) hosted at the host computer (12), wherein each folder in the hierarchy of folders (fig. 6) includes a financial document (0033, 0081, and 0682) that includes multiple indicators (0047), wherein the financial document (0033, 0081, and 0682) is automatically and without

human intervention (0013) associated with a folder (0203) in the hierarchy of folders (0169), wherein the host computer (12) is configured to provide a search across folders (0183-0184).

Fallon does not appear to expressly teach [associating the financial document with a folder] based on customer user selected filing preferences received from the customer computer.

Kumar, however, teaches teach [associating the financial document with a folder] based on customer user selected filing preferences (col. 39 line 14-15) received from the customer computer (col. 39 line 8-17 and figures 18-20) for automatically categorizing financial information (i.e. transactions).

In the same field of endeavor, (i.e. information organization), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Kumar would have given Fallon a way to allow a user to specify where certain data should be categorized (i.e. placed in a folder) for the benefit of reducing the amount of time and effort needed to complete information gathering and organizing (needed by Fallon, 0165).

With respect to claim 11, Fallon teaches the system of claim 10, wherein the financial document includes credit card payments, debit card transactions, imaged checks, electronic bill payments or account statements (claim 18, figure 6).

With respect to claim 12, Fallon teaches the system of claim 10, wherein the financial document is associated with a folder based on instructions from the customer user when the financial information is viewed (0012).

With respect to claim 14, Fallon teaches the system of claim 10, wherein the multiple indicators include document storage time stamp, date last accessed, date posted, dollar amount, group, or category (figures 4-6).

Response to Arguments

Applicant's arguments with respect to claims 1 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Further, Applicant argues on page 8 of the 1/23/2009 reply that Fallon does not teach "automatically and without human intervention associate[ing] the financial document with the created folder..." Examiner disagrees and submits that Fallon does teach an automated method to associate information to folders (e.g. 0203; "the invention is able, for example, to recognized..." and 0013; "automatically integrated across folders...").

Examiner also wishes to note that Applicant's argument is further unpersuasive in that reciting automatic means to replace a manual activity is not sufficient to distinguish over the prior art. MPEP 2144.04 and *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Nonetheless, Examiner now cites the Kumar reference to teach the claimed "user selected filing preferences" (a new limitation that Fallon does not appear to expressly teach) on which to associate financial documents to the created folder. Under a reasonable interpretation, Kumar's categories (see col. 39 lines 8-17 and figure 18-20) may be interpreted as "folders" in which

documents are associated to. Under this interpretation and ground of rejection, Examiner submits this argument is moot.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-Th 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit 2167

/ROBERT TIMBLIN/
Examiner, Art Unit 2167